HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 15097 OF 1996

BETWEEN

N. Jwalamma & another

.....**Petitioners**

And

District Collector, Chittoor & others

.....**Respondents**

:: O R D E R::

Counsel for Petitioner : Shri I. Naveen Kumar

Counsel for Respondent Nos.1 to 3 : Government Pleader for revenue

Dated: 07.06.2006

In this petition, the petitioners have prayed for restraining the respondents from interfering with their possession over the land forming part of survey No. T.S. 48 situated at Alipiri road, Tirupati.

The petitioners have founded their claim on the basis of assignment pattas allegedly issued in their favour by Mandal

Revenue Officer, Tirupathi on 24.12.1992 and Thasildar, Chandragiri on 19.04.1983 respectively.

In the counter affidavit filed by Shri P. R. Prabhakar Reddy, the then Mandal Revenue Officer, it has been averred that the two documents produced by the petitioners showing issue of assignment pattas in their favour are fabricated. Shri Prabhakar Reddy has also averred that the land in question was allotted to Public Works Department as early as in the year 1972 and the same is in possession of the department.

Learned counsel for the petitioners says that in view of the averments contained in the counter affidavit filed on behalf of the respondents and the fact that proceedings under the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act') have already been initiated against his clients, they may be permitted to withdraw the writ petition with liberty to participate in the proceedings initiated under the Act.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

G.S.SINGHVI, CJ

Ksld/Grr
07.06.2006